



CPA/1637
PATENT

ATTORNEY DOCKET NO.: 56297-5012-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: **Thomas R. GINGERAS et al.**

CPA of Application No. **09/285,306**

Filed: **April 2, 1999**

For: **MYCOBACTERIAL RpoB
SEQUENCES**

Examiner: **Jeffrey Siew**

Group Art Unit: **1637**

#28 CPA
max
9/5/02

BOX CPA

Commissioner for Patents
Washington, D.C. 20231

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TECH CENTER 1600/2900

Sir:

CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST UNDER 37 C.F.R. § 1.53(d)

This is a request for filing a Continuation Prosecution Application under the Continued Application procedure of 37 C.F.R. 1.53(d) of prior application no. 09/285,306, filed April 2, 1999 for MYCOBACTERIAL RpoB SEQUENCES.

1. ☒ Please change the Attorney Docket No. to 56297-5012-01.
2. ☒ Please enter the Amendment previously filed on April 4, 2002 under 37 C.F.R. § 1.116, but unentered in the prior application.
3. ☐ A preliminary amendment is enclosed.
4. ☒ The filing fee is calculated on the basis of the claims existing in the prior application as amended at 2 above.
5. Extension of Time and Fees
☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.
☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

07/31/2002 AWONDAF1 00000063 500310 09285306

01 FC:131	740.00 CH
02 FC:102	168.00 CH
03 FC:116	400.00 CH

two month extension of time fee. If any additional fees are due, please charge those fees to Deposit Account 50-0310.

8. Inventorship

- ☐ This application is filed by fewer than all the inventors named in the prior application under 37 C.F.R. § 1.53(d)(4).
- ☐ DELETE the following inventors named in the prior application: _____.
- ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

9. Power of Attorney

- ☒ The power of attorney in the prior application is to at least one of the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. All correspondence shall be addressed to that Customer Number.

Please address all correspondence to Morgan, Lewis & Bockius LLP at
Customer Number: 009629

10. ☐ Recognize as associate attorney _____.
(name, address, and registration no.)

11. Additional papers enclosed:

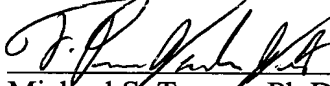
- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, three references included
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

12. [X] **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

F. Pierre VanderVegt

By:  Reg. No. 49,088
for Michael S. Tuscan, Ph.D.
Reg. No. 43,210

Dated: July 29, 2002

Customer Number 009629

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